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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,889	02/12/2001	Sadahiko Yamaoka	1232-4684	9633
27123	7590	06/06/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P.			POND, ROBERT M	
3 WORLD FINANCIAL CENTER			ART UNIT	
NEW YORK, NY 10281-2101			PAPER NUMBER	

3625

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/781,889	YAMAOKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert M. Pond	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant filed a Request for Continued Examination. The Applicant amended independent claims 1, 6, and 11. All pending claims (1-15) were examined in this non-final office action.

### ***Response to Arguments***

#### **Rejection under 35 USC 102- Claims 1-2, 4-7, 9-12, 14, and 15**

Applicant's arguments filed 02 February 2005 have been fully considered but they are not persuasive. Barnes discloses a first designating means for parts to be placed into an online catalog and a second designating means for parts to be selected by a purchaser for purchase.

#### **Rejection under 35 USC 103- Claims 3, 8, and 13**

Applicant's arguments filed 02 February 2005 have been fully considered but they are not persuasive. The Applicant's arguments for claims 3, 8, and 13 rely on arguments presented for independent claims 1, 6, and 11. The Examiner respectfully disagree with the Applicant for the reasons stated above under rejection under 35 USC 102.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-2, 4-7, 9-12, 14, and 15 are rejected under 35 USC 102(b) as being anticipated by Barnes et al. (Paper #5, patent number 5,970,475, hereinafter referred to as Barnes).**

Barnes teaches all the limitations of Claims 1-2, 4-7, 9-12, 14, and 15. For example, Barnes discloses an online procurement system designed to support parts procurement (see at least Fig. 1 (10); col. 1, lines 5-17). Barnes further discloses:

- Parts database: multiple supplier databases (see at least Fig. 3 (16, 42, 44'); Fig. 4 (16); col. 8, line 60 through col. 27).
- First designating means for parts: designating parts for supplier catalog (see at least Fig. 3 (42); Fig. 14; col. 9, lines 51-59).
- Searching and display: (see at least Fig. 2 (26, 28, 30, 34, 42); col. 6, lines 33-65; col. 8, line 36-38).
- Pricing database: catalog pricing (see at least col. 4, line 15).
- Second designating means for parts: designating parts to be ordered (see at least col. 9, lines 51-53; col. 18, lines 43-45).

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- Display control means for displaying price: (see at least col. 4, lines 5-16).
- Price difference display control: displays pricing and discounts to purchasers; purchasing based on discounted prices negotiated with suppliers (please note examiner's interpretation: making purchases based on discounted pricing equates to cost-cutting) (see at least col. 4, lines 5-15).
- Database storing purchase record information: (see at least col. 8, lines 53-54).
- Database storing order status and price history of orders: all users can view status and history of orders and generate reports (please note examiner's interpretation: history contains price history) (see at least col.9, lines 49-50).
- Internet communications with web browser interface: (please note examiner's interpretation: Internet communication and web browser interface provide bulletin board functionality) (see at least col. 7, lines 11-13; 24-26; col. 9, lines 66-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 3, 8, and 13 are rejected under 35 USC 103(a) as being unpatentable over Barnes (Paper #5, patent number 5,970,475), in view of Business Wire (Paper #5, PTO-892, Item: U).**

Barnes teaches all the above as noted under the 102(b) rejection and teaches cost-cutting by displaying discounts and further teaches advantages of negotiated pricing, but do not disclose displaying control means for displaying prices higher or lower than a price. Business Wire teaches BuyerZone.com joining forces with Inc.com to provide multi-vendor catalog, quote services, and comparison shopping tools. Business Wire further teaches providing intelligent decision-making tools so users can conveniently compare and purchase products online and can request quotes from multiple suppliers using a few simple keystrokes (please note examiner's interpretation: receiving multiple quotes results in receiving multiple prices that will be the same or ranging from highest to lowest). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Barnes to display

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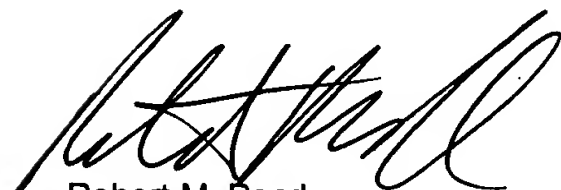
product pricing higher or lower as taught by Business Wire, in order to facilitate comparison shopping, and thereby help the purchases select the lowest price.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
May 27, 2005